

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO <i>ex rel.</i>)	
State Engineer,)	
)	
Plaintiff,)	No. CV 07941 BB
)	
)	RIO CHAMA Stream System
)	
ROMAN ARAGON, <i>et al.</i> ,)	
)	
Defendants.)	
)	

JOINT STATUS REPORT RE: INTER-CASE SCHEDULING

Pursuant to the Special Master's July 16, 2007 *Order Setting Deadlines for Proposed Case Priorities Order* (Doc. No. 8733) and the *Joint Status Report Re: Inter-Case Scheduling* (No. 8978), the United States of America ("United States") and the State of New Mexico *ex rel.* State Engineer ("State") hereby report further on their efforts to formulate a proposed order concerning inter-case scheduling, and make recommendations concerning further proceedings on the matter.

1. In the last status report on October 30, 2007, the State advised the Court and other parties that it expected to request an enlargement of time to file its expert reports relating to the United States' and Pueblo's pre-Spanish water use claims in New Mexico ex rel. State Engineer v. Abbott, Nos. 68cv7488-BB & 70cv8650-BB consolidated (D.N.M.) (Rio Santa Cruz & Rio de Truchas Adjudication) and that it was investigating the details of its needs and conferring with counsel for potentially affected parties.

2. The State has now formulated a specific proposal for this enlargement and has conveyed it to counsel for the United States, Ohkay Owingeh, the

Various Acequias represented by Mary Humphrey, and the Various Acequias represented by Fred Waltz in the Rio Santa Cruz & Rio de Truchas Adjudication. In addition, the State has proposed a brief extension of time for its expert reports disclosures for the Spanish-and-later historic and existing uses claims for Ohkay Owingeh, sufficient to allow it to meet the present discovery and trial schedule there.

3. Counsel for the State, the United States, and Ohkay Owingeh hope to confer with other counsel and obtain their positions on these proposals, and conclude any related discussions in time to file a status report with the Court on or before January 11, 2008 in that adjudication. That status report would include either a consensus proposal on scheduling or multiple proposals, as necessary. Whether or not a consensus proposal is submitted, the United States and the State have requested that the Special Master hold a Rule 16 scheduling conference to finalize any scheduling changes, and have suggested that mid-January would be a productive time for this conference, the Special Master's calendar permitting.

4. After the Special Master has considered the proposals for scheduling in the Rio Santa Cruz & Rio de Truchas Adjudication, it would be appropriate for the Special Master to schedule a Rule 16 scheduling conference on Ohkay Owingeh's water rights claims in this adjudication.

5. Following the November 27, 2007 Planning and Scheduling Conference in United States v. State of New Mexico, ex rel. State Engineer, No. 07cv00681-BB, counsel for the United States, on December 7, 2007, distributed a Revised Proposed Initial Scheduling and Planning Order for the Zuni Indian Claims Subproceeding to counsel and pro se parties in that case. Other parties had two weeks to

comment on that revised proposal. If the December 7 revised proposal is substantially approved by the Special Master, it will establish deadlines for, *inter alia*, the filing of Answers and for Initial Disclosures by the parties. Further discovery and trial preparation dates are to be established following a Pretrial Conference on August 27, 2008. At least until those further dates are set, counsel for the State and for the United States do not anticipate that proceedings in that case will interfere with the scheduling in other cases.

6. Counsel for the United States, the State, the Zuni Indian Tribe, and the Navajo Nation continue to be in agreement that the pending deadline in United States v. A & R Productions, No. 01cv00072-BB (D.N.M.) (Zuni River Basin Adjudication) for initiation of the Cibola National Forest Subproceeding; the Federal Public Lands Subproceeding; and the El Morro National Monument, El Malpais National Monument, and El Malpais National Conservation Area Subproceeding; established by the Special Master's April 5, 2004 Procedural and Scheduling Order for Federal and Indian Water Rights Claims [Doc. No. 323 in 01cv00072-BB] should be vacated. However, these parties have not reached consensus concerning the scheduling of the Navajo Nation Subproceeding which, under the terms of the April 5, 2004 Order, is to be commenced no later than December 31, 2008.

Respectfully submitted: December 17, 2007.

Electronically Filed

/s/ Arianne Singer

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on December 17, 2007, I filed the foregoing *Joint Status Report Re: Inter-Case Scheduling* electronically through the CM/ECF system, which caused the parties or counsel on the Court's electronic service list, as more fully set forth on the Notice of Electronic Filing, to be served via electronic mail.

/s/ Arianne Singer